

III. ANALYSIS BY ATTORNEY GENERAL CHRIS KOSTER

Ten years ago Missouri released its first report on vehicle stop data. This report represents the tenth annual analysis of vehicle stop data in Missouri, a review that includes information about more than 1.7 million stops by law enforcement in the state during 2009. The report can be compared to data going back to 2000 on the Attorney General's Web site at ago.mo.gov.

The analysis in 2009, as well as in 2005, 2006, 2007 and 2008, used census estimates to reflect the changes in Missouri's population since the 2000 census. That census was the benchmark for the previous five reports.

As our state's population changes in number and demographics, these census estimates can help provide a more accurate benchmark to analyze the data. (Appendix C of this report provides key indicators by each agency using the 2000 census information.)

The overall number of stops reported increased in 2009. As it has in the past, the disparity index for African-American drivers continues to be of significant concern. The disparity index for African-American drivers increased from 1.59 in 2008 to 1.62 in 2009. The disparity index for Hispanic drivers decreased from .95 in 2008 to .81 in 2009, however, both groups continue to have search rates significantly higher than that of white drivers.

These findings continue a disturbing trend for African-American drivers in Missouri. Specifically, the disparity indexes for African-American drivers have increased each of the last five years, exhibiting disparity indexes of 1.42 in 2005, 1.49 in 2006, 1.58 in 2007 and 1.59 in 2008 and 1.62 in 2009. In fact, the disparity rate for African-American drivers has gone down only one time in the history of the report, and then only slightly, to 1.34 in 2004 from 1.36 in 2003. Stated another way, the disparity index for African-American drivers has increased in nine of the last ten years. The 2009 disparity rate of 1.62 compares to a rate of 1.27 ten years ago. African-American drivers were 70 percent more likely than white drivers to be stopped based on their proportion of driving-age population in 2009, compared to 30 percent more likely than white drivers in 2000.

With 642 law enforcement agencies conducting vehicle stops in Missouri, there is no single explanation why these disparities exist. This report provides statistical information so the data from each agency can be examined, and appropriate questions asked of those agencies.

In 2004, state law was changed to require law enforcement to include investigative vehicle stops in their reports, in addition to the stops for traffic violations.

One of the best uses of these reports is as a springboard for dialogue and communication between law enforcement agencies and the communities they serve. It is vital that Missouri law enforcement agencies continue to review the rates of stops and searches and to continue their outreach efforts.

Statistical disproportion does not prove that law enforcement officers are making vehicle stops based on the perceived race or ethnicity of the driver. The compilation and analysis of data, however, does help both law enforcement and the community with a starting point for dialogue to appreciate each other's perspective and arrive at common ground.

I am proud that Missouri took a leading role, under the stewardship of then-Attorney General Nixon, Governor Carnahan and many in the legislature, in passing legislation requiring the collection and examination of vehicle stop data on this scale. We are continuing that tradition in carrying on the detailed and critical examination necessary to ensure fairness to Missouri's law enforcement application. It is my hope that this report may serve as a springboard to open dialogue and legislative review.

We continue to show that commitment through laws that require each law enforcement agency to not only have a written policy regarding racial profiling, but also to provide additional training to officers and to promote the use of effective, non-combative methods for carrying out their duties in a racially and culturally diverse environment.

Missouri's law enforcement members continue to do commendable work in the face of many challenges. I appreciate their efforts and willingness to compile the information for these annual reports.

The number of agencies that did not comply with the vehicle stops reporting law in 2009 continued to be relatively low at 13. This represents an increase from 2008 when 11 departments failed to report. Failure to report is unacceptable and should be considered so by the General Assembly. A list of these agencies has been turned over to the Governor for imposition of the statutory sanctions.

Along with the data, several individual law enforcement agencies provided other information about factors that may impact their numbers. The reader should consider these factors when examining the data.

Law-abiding drivers have the right to travel throughout Missouri without the fear that they will be stopped based solely on their race or ethnicity. I am confident that Missourians of all races and ethnic groups and law enforcement officers from throughout the state agree with me.

